

**CITY COUNCIL
CITY OF CREEDE, COLORADO – A TOWN
July 14, 2003**

REGULAR MEETING

The City Council of the City of Creede – a Town, County of Mineral, State of Colorado, met in regular session in the Creede Town Hall at the hour of 7:40 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss, JB Alexander, Merle Knous, BJ Myers,
Jennifer Homsher, Chuck Barnes, Gene Dooley

Mayor Myers, presiding, declared a quorum present:

Those members of staff also present were as follows:

Robin Crites, City Attorney
Clyde Dooley, City Manager
Pamela Wilson, City Clerk/Treasurer

APPROVAL OF AGENDA

There was an addition to old business of (a.1.) Don Shank. Creede Water Wells contract with the County became (a.2.)

APPROVAL OF MINUTES FOR June 9 and 23, 2003

Trustee Barnes moved and Trustee Dooley seconded to accept the minutes of June 9, 2003 as corrected. The vote was unanimous. Mayor Myers declared the motion carried. Trustee Alexander moved and Trustee Dooley seconded to approve the minutes of June 23, 2003 as presented. The vote was unanimous. Mayor Myers declared the motion carried.

ACCEPT AND PAY BILLS

A motion was made by Trustee Alexander and seconded by Trustee Barnes to accept and pay bills providing the charges from Moses, Wittemyer, Harrison and Woodruff P.C. are legitimate charges. Robin will check into these charges. The vote was unanimous. Mayor Myers declared the motion carried.

REPORTS AND PRESENTATIONS

CITY MANAGER'S REPORT

This report covered updates on the CIRSA coverage change, North Creede, Basham Park restrooms, RV dumping, building permits, CCR report, Vietnam War Memorial, Special council meeting, Fourth of July Parade & Fireworks and Advertisement for bids. Clyde was asked to write a "Thank You" to Craig Lehmann for his work on the Vietnam War Memorial and also Vern McCallister for his flyover before the parade on July Fourth and Charlie Marshall for his part as announcer at Days of '92.

SHERIFF'S REPORT

Sheriff Leggitt was available for questions this month. Several questions were asked and answered. The June report reflected 1129 miles patrolled in the City, 298 hours patrolled in the City, with 17 incidents and complaints, 3 citations and 3 accidents within the City. Phil was thanked again for helping make it possible for the fireworks display to happen July Fourth.

CHAMBER OF COMMERCE REPORT

This was a written report that included a building report for the visitor's center, communications, the mushroom foray, the Fourth of July and Basham Park. The Council discussed some of the issues covered.

MAINTENANCE SUPERVISOR'S REPORT

Shaun was available to answer questions about this report. Several questions were asked and answered. Clyde told the Council that he has generated several invoices for Rio Grande Communications for broken pipes they have caused since their fiber optic project started.

BUILDING INSPECTOR'S REPORT

Fred Eastland turned in a report updating the Council on the outstanding building permits. He also turned in a report covering the North Creede Project. Fred was unable to attend the meeting therefore Clyde answered the questions he could from notes Fred had left with him.

WILLOW CREEK CLEAN-UP DAY

Willow Creek Reclamation Committee has set July 15, 2003 as the clean-up day for Willow Creek. They will begin work at 9:00 a.m. starting here at the flume and moving up stream. The City and the County will each provide a dump truck and a backhoe for this project. Any and all volunteers are welcome.

CHAMBER OF COMMERCE PARADE PERMIT FOR SALSA FIESTA

Trustee Barnes moved and Trustee Dooley seconded to approve this permit for Salsa Fiesta as described. The vote was unanimous. Mayor Myers declared the motion carried.

SNOWSHOE SHUFFLE PARADE PERMIT

Trustee Alexander amended the permit slightly to allow access into the post office during this event by putting the barricades diagonally from the gazebo to Wall Street as to leave the northbound lane of Main Street open. Trustee Dooley moved and Trustee Alexander seconded to approve this permit as amended. The vote was unanimous. Mayor Myers declared the motion carried.

CREEDE MOUNTAIN RUNS PARADE PERMIT

Trustee Alexander amended the permit slightly to have the barricades removed from Third Street between Loma and Main Street after the two milers finish. Trustee Dooley moved and Trustee Alexander seconded to approve this parade permit as amended. The vote was unanimous. Mayor Myers declared the motion carried.

RECREATION REPORT

Eloise Hooper was available to answer questions. There were forty-three rented spaces and thirty-eight vendors for the Fourth of July Days of '92. Last week was the thunder read program. Huck Finn day has to be cancelled this year. Little Fourth of July will be re-scheduled for a day in August and re-named.

POWER POLES UPDATE

Trustee Knous was asked to update the Council about the power pole removal. Ty Poxson came in and signed off the abandonment of easement to the City. Trustee Alexander reminded the Council that Shaun and Kelly will need to get together and decide where the City will dig a hole for the "dead man" to be placed. Other than this the City is out of the loop and anything else is up to the property owners.

OLD BUSINESS

DON SHANK

Mr. Shank wanted to clarify some things pertaining to the railroad and was told that was okay providing he didn't ask any questions that needed to go through the attorneys. Several questions he asked of the Council and the City Manager were directed to Robin and he explained that it was requested of the City employees and Council to not talk about the railroad issues with anyone, including Mr. Shank, in order to keep the information straight and so the attorneys would know of everything being said. By doing this there would be no surprises for the attorneys. Mayor Myers and Trustee Knous were previously appointed by the Board to make decisions for the City regarding the railroad with direction from the attorney, unless they felt that it was a matter that needed input from or action by the Board. Hence the formal complaint filed against the railroad with the Public Utilities Commission (PUC) was done without a vote of the Board.

CREEDE WATER WELLS CONTRACT WITH COUNTY

Trustee Knous ask that this be tabled until the next meeting because he didn't like paragraph eight. He will talk to William Danks about this. Merle will ask William Danks to strike paragraph eight and explain to Danks why he feels the way he does about it. The board heard him out and did not express any disagreement with him.

WATER TURN ON/TURN OFF RESOLUTION

There were questions asked and answered and some questions that weren't yet answered, but Clyde will get those answers for the board. Trustee Alexander was curious how much it actually cost the City in man hours to turn someone's water on or off. Understanding that this would, of course, vary he wanted to know what the average time spent doing this is. With that question out there, Trustee Alexander incorporated it into his motion to adopt this Resolution as written and the City should collect data to determine how long it takes the maintenance crew to complete these jobs and if this isn't enough to cover it we can go back and adjust it. Trustee Dooley seconded. There was further discussion. The vote was unanimous. Mayor Myers declared the motion carried.

MIDWEST MINE UPDATE

Trustee Goss typed up a short report for the board to review. He is representing the City in working with Les Dobson of the USFS and coming up with a maintenance plan. John will bring this plan back to the board for approval. He put together a proposal for the board of what he feels the maintenance schedule should include. Karl Kolisch from the County will meet with John to discuss the elements of the plan. At this time we are waiting for Clara Phipps to bring the City a bill of sale for the buildings. There was some discussion about keeping the metal buildings at the site. Three of the board members were in favor of removing the metal structures. It was suggested that maybe the City side the buildings to look like they belong. Depending on the expense and what funds are available, that may be an option. The City is hoping to sell galena to help offset the maintenance expenses. This idea was well accepted. It was recommended that each of the trustees visit the site and see for themselves what all is needed to keep the site maintained.

NEW BUSINESS

MESA GROUP SLV WATER CONSERVANCY DISTRICT

The San Luis Valley Water Conservancy District provided agreement and augmentation certificates for the board to review and approve. There was considerable discussion on this matter and about these certificates. There is some disagreement in the calculations of the consumptive use for each property of Mesa Group. There was discussion on if our current pumps could handle what it would have to pump with eighty more houses. Creede Mesa Group, LLLP will have to pay to increase the City's permit. Mayor Myers will contact RPI for their calculations on how many houses can be served with an acre foot of water.

RON FIEF LEASE

The board reviewed and discussed the lease. There are now structures on the leased property and the lease amount should have increased from six hundred to twelve hundred dollars a year at the time they were built. It did not. A new lease should be written expressing that the lease amount will stay the same six hundred dollars a year even though the Basham Park restrooms encroach on the leased property by four point zero two percent. However, if the Kentucky Belle adds any more structures to the property the lease will then increase to twelve hundred dollars a year. The space between the restrooms and the Kentucky Belle Market building should also be included in the property the City took back for the restrooms. This area should be fenced off for various reasons.

CHAMBER INFORMATION CENTER LOCATION

This was an addendum to the Chamber report updating the Council on some other properties they would be considering for the Visitor's Center and making them aware of an upcoming meeting on July 29, 2003, in Alamosa from 10:00 a.m. to 12:00 noon. Trustee Barnes volunteered to attend this meeting on behalf of the City of Creede.

It is important to make sure someone goes from the County as well. Any other commissioners from the Valley that anyone from our Board knows should be contacted and asked to give their support to the Visitors Center project.

LETTER FROM GOVERNOR – WATER CONSERVATION

This letter to the Mayor was asking for support of a referendum to *Save Colorado's Water*. Being unclear of what exactly this means and the exact wording of the referendum, Council, including the Mayor, was not ready to have the Mayor sign it. Trustee Alexander went on record as saying he is "not in favor of any referendum that lets the people in Denver vote on our water". This letter is rather vague and the Mayor agreed to write back to the Governor asking for clarification and actual wording of this proposed referendum.

NEXT MEETING

The next meeting is scheduled for Friday, July 18, 2003 at 2:00 p.m.

EXECUTIVE SESSION

Trustee Barnes moved and Trustee Goss seconded to go into executive session at 9:45 p.m. to discuss the law enforcement contract and railroad legal issues with the City attorney. The vote was unanimous. Mayor Myers declared the motion carried.

Trustee Barnes moved and Trustee Dooley seconded to come out of executive session at 11:49 p.m. The vote was unanimous. Mayor Myers declared the motion carried.

ADJOURN

There being no further business to come before the Council at this time, Trustee Goss moved, and Trustee Barnes seconded, that the meeting be adjourned. The vote was unanimous. Mayor Myers declared the motion carried and the meeting was adjourned at 12:00 a.m.

Respectfully Submitted:

Approved by City Council

Pamela Wilson, City Clerk/Treasurer

Betty Jean Myers, Mayor